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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,558	02/25/2002	Kevin Scott Smith	UNCC#2001-001/46872.26008	3190
7590	10/04/2004		EXAMINER	
John C. Alemanni Kilpatrick Stockton LLP 1001 West Fourth Street Winston-Salem, NC 27101-2410			RAO, SHEELA S	
			ART UNIT	PAPER NUMBER
			2125	
			DATE MAILED: 10/04/2004	
				3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/082,558	SMITH ET AL.
Examiner	Art Unit	
Sheela Rao	2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 February 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 February 2002 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. Claims 1-20 are presented for examination and are pending.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
3. Applicant is advised that should claim 4 be found allowable, claim 15 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5 and 9-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Thackston.

The invention by Thackston relates to a computer-based system and method for the design and development of an idea in a virtual collaborative environment. In doing so, the steps of defining product specifications, system specifications, identifying qualified fabricators for manufacturing the part design, and accepting bids from qualified manufacturers are followed.

As per the limitations of the instant invention, with reference to Figure 16 the patented disclosure provides an overview of the method used in undertaking the design and development of a project. See Figures 16A and 16B along with the description given beginning at column 27: line 58.

To be more specific, the reference of prior art teaches the "specifying a requirement for a part to be produced", as in claim 1 of the instant invention, in the design and development phase referred to as NICECAD, see column 8: line 58, et seq. in relation to Figure 2, and column 13: ll. 43-67. The limitations directed to "generating a recipe for production of [the] part conforming to said requirement", as per claims 1, 5, 9, and 10 of the instant invention, is taught by the Thackston reference with the use of a Product Data Manager (PDM) which stores data for individual projects. The stored data includes technical data, contractual information, as well as budget and schedule information. The PDM is a part of the NICECAD development and design phase. See column 14: ll. 6-30 and Figure 8. As per the limitations of "identifying a vendor capable of producing said part ..." (instant claims 1-3, and 11-14), the NICECAD system comprises a Global Manufacturer's Registry (GMR) which is used for the identification and evaluation of qualified/certified fabricators or manufacturers for a design. See column 5: ll. 30-54. In addition to the vendor data being stored in the database (instant claim 13), standards and specifications with regard to the manufacturing, inspection and fabrication (instant claim 20) are also included. See column 16: ll. 34-67. The aspect of monitoring the manufacturing/production of the part using some type of communication (as in instant claims 4 and 15-17) is taught by the "check-in/check-out module" of the NICECAD system as detailed in column 14: line 42, et seq.

Furthermore, the NICECAD system and method consists of an Electronic Trading Community (ETC) that manages the negotiations of vendors bidding to manufacture the parts/products (as in instant claims 18 and 19). See column 5: line 55, et seq.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thackston (USPN 6,295,513 B1).

Thackston teaches the limitations of the instant invention as applied to claims 1-5 as stated above. However, the disclosure of the invention by Thackston fails to teach or fairly suggest the particular use of a plurality of machines and one tool to produce a part, or one machine and a plurality of tools to produce a part, or a plurality of machines and a plurality of tools to produce one part, or any combination thereof. Although, the NICECAD system and method of the patented invention does include several databases which contain information about a variety of aspects of the manufacturing/production system, the use of "plural" machines/tools in any combination has not been specifically detailed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a machine/tool selection component within the NICECAD system to have a selection/designation segment for identifying the number of machines or tools used to produce a part. The use of a plurality of devices would allow for greater efficiency and more economic gain; which would in turn benefit all parties.

For the reasons stated above in paragraphs 5 and 7, the limitations of the claimed invention is taught by the prior art of record; thereby, rendering the instant claims unpatentable.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
Turner, et al. USPN 6,470,228 B1 teaches of a computerized material management system and method

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela Rao whose telephone number is (703) 305-9766. The examiner can normally be reached Tuesday - Thursday from 9:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard, can be reached on (703) 308-0538.

Any response to this action should be mailed to:

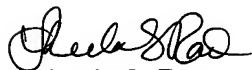
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Washington, D.C. 20231

or faxed to:
(703) 872-9306 for Official Communications

hand-delivered responses should be brought to:
Receptionist - Sixth Floor
Crystal Park II, 2121 Crystal Drive, Arlington, Virginia

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


Sheela S. Rao
September 29, 2004



LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100